STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law J udge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MS A 16.437 upon claimant's October 13, 2008 request for a hearing to protest the depart ment's denial of Medical Ass istance (MA-P) and State Disability Assistance (SDA). After due notice, an in-person hearing was held Wednesday, January 19, 2011. The claimant personally appeared and testified on his own behalf with his authorized representative from L&S Associates, Inc.

ISSUE

Whether claimant meets the disability criteria for MA-P and SDA?

FINDINGS OF FACT

The Administrative Law Judge, based upon t he competent, material, and substantial evidence on the whole record, finds a material fact:

- 1. On February 25, 2008, the claimant applied for MA-P and SDA.
- 2. At the conclusion of the hearing, the record was held open at claimant 's request for the submission of additional m edical records. Medical records were received and s ubmitted to the St ate Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on March 28, 2012. The Socia I Security Administrative Law Judge approved this claimant for SSI disability in February 2008. Therefore, MA-P /Retro MA-P is approved effective Februar y 2008. At the medical review of Marc h 2013, please check to see if the claimant is in current payment status or not. If in pay ment status, no further action is required. If not in payment status, please obtain updated application forms and updated medical records.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) admin isters the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department polic ies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 400.105. Department polic ies are found in the Bri dges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

Because of the Social Security Administration determination, it is not necess ary for the Administrative Law Judge to discuss the iss ue of disability. PEM, Item 260; PEM, Item 261.

The claimant is eligible for MA-P retroactive to February 2008 and SDA bas ed on the claimant's February 25, 2008 application with a medical review required March 2013.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law decides that the claimant meets the definition of medica IIy disabled under the MA-P retroactive to February 2008 and SDA based on the claimant's February 25, 2008 application with a medical review required March 2013.

Accordingly, if it has not already done so , the depar tment is ORDERED t o open an ongoing M edical Ass istance cas e for the clai mant e ffective the month of the SSI entitlement.

<u>/s/</u>

Carmen G. Fahie Administrative Law Judge For Maura D. Corrigan, Director Department of Human Services

Date Signed: <u>April 9, 2012</u>

Date Mailed: <u>April 9, 2012</u>

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit bin 30 days of the ma iling date of this Decision and Order. Administrative Hear ings will n ot order a rehearing o r reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CGF/ds

